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CHARLES ELMORE OROPLEY
CLERK

IN THE
Supreme Court of the United States

OCTOBER TERM, A. D. 1939.

No. **1**

MILK WAGON DRIVERS UNION OF CHICAGO,
LOCAL 753, a Voluntary Unincorporated Association;
ROBERT G. FITCHIE, JAMES KENNEDY,
STEVE SUMNER, FRED O. DAHMS, F. RAY
BRYANT, ALBERT O. RICHARDS, JOSEPH L.
PATTERSON and DAVID RISKIND,

Petitioners,

vs.

MEADOWMOOR DAIRIES, INC., a Corporation,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME
COURT OF THE STATE OF ILLINOIS.

**SUGGESTION OF A DIMINUTION OF THE RECORD
AND MOTION FOR WRIT OF CERTIORARI.**

CHARLES S. DENBEN,
Counsel for Respondent.

DONALD N. SCHAFER,
JOSEPH R. ROACH,
Of Counsel.

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IN THE
Supreme Court of the United States

OCTOBER TERM, A. D. 1939.

No. 353

MILK WAGON DRIVERS UNION OF CHICAGO,
LOCAL 753, a Voluntary Unincorporated Association;
ROBERT G. FITCHIE, JAMES KENNEDY,
STEVE SUMNER, FRED O. DAHMS, F. RAY
BRYANT, ALBERT O. RICHARDS, JOSEPH L.
PATTERSON and DAVID RISKIND,

Petitioners,

vs.

MEADOWMOOR DAIRIES, INC., a Corporation,
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ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME
COURT OF THE STATE OF ILLINOIS.

**SUGGESTION OF A DIMINUTION OF THE RECORD
AND MOTION FOR WRIT OF CERTIORARI.**

MAY IT PLEASE THE COURT:

Your petitioner, Meadowmoor Dairies, Inc., respondent
to the petition for a writ of certiorari to the Supreme
Court of the State of Illinois, suggests that there is a

diminution of the record filed by petitioners in the above entitled cause, and respectfully moves that this Honorable Court issue its writ of certiorari herein directed to the Supreme Court of the State of Illinois, commanding that Court to certify and send to this Court a certain paper which is of record in that Court in this cause. This paper is particularly described as follows:

“Motion to Set Aside Order of August 16, 1938, or, in alternative, to Increase Bond” filed by appellees (petitioners in this Court) on August 16, 1938.

A certified transcript of this paper, together with nine printed copies, have been lodged with the Clerk of this Court as exhibits to this motion.

REASONS FOR THIS MOTION.

The motion filed by the appellees (petitioners in this Court) in the Supreme Court of Illinois is part of the record of proceedings in that Court and is important on the question of the jurisdiction of this Court to review, by certiorari, the judgment of the Supreme Court of Illinois.

Petitioners have invoked the jurisdiction of this Court under Section 237(b) of the Judicial Code on the ground that the judgment of the Supreme Court of Illinois is a decision on a right or privilege claimed by petitioners under the Constitution of the United States. An examination of the motion which this respondent seeks to bring up will show that the petitioners stated therein that there was no question under the Federal Constitution involved in this cause.

WHEREFORE your petitioner prays that a writ of certiorari be issued out of and under the seal of this Honorable

Court, directed to the Supreme Court of the State of Illinois, commanding that Court to certify and send to this Court the paper described herein.

CHARLES S. DENEEN,
Attorney for Respondent.

DONALD N. SCHAFFER,
JOSEPH R. ROACH,
Of Counsel.

STATE OF ILLINOIS, } ss.
COUNTY OF COOK.

I, Charles S. Deneen, counsel for the respondent in the above entitled cause, do solemnly swear that the facts recited in the foregoing "Suggestion of a Dimunition of the Record and Motion for a Writ of Certiorari" are true.

CHARLES S. DENEEN,
Counsel for Respondent.

Subscribed and sworn to before me, this 22nd day of September, A. D. 1939.

VIRGINIA C. MATTES,
Notary Public, State of Illinois.